

SENATE BILL 695

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11r1755
CF 11r2760

By: **Senators Pinsky, Conway, and Dyson**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Regulation of Public, Private Nonprofit, and For-Profit**
3 **Institutions of Higher Education**

4 FOR the purpose of distinguishing between public, private nonprofit, and for-profit
5 institutions of higher education; prohibiting a person from engaging in certain
6 unfair or deceptive practices in the offer for sale of course credit or other
7 educational services; authorizing the Maryland Higher Education Commission
8 to create and provide for the operation of a certain guaranty fund to be used for
9 certain purposes; requiring for-profit institutions of higher education to pay a
10 certain fee into the fund; authorizing the Commission to impose certain
11 penalties on certain for-profit institutions of higher education; authorizing the
12 Commission to revoke or suspend the certificate of approval of certain for-profit
13 institutions of higher education under certain circumstances; prohibiting
14 certain institutions of higher education from paying certain financial or other
15 incentives based on certain success to a person or entity engaged in student
16 recruitment or admission activity; defining certain terms; making clarifying and
17 stylistic changes; and generally relating to the regulation of public, private
18 nonprofit, and for-profit institutions of higher education.

19 BY repealing and reenacting, with amendments,
20 Article – Commercial Law
21 Section 13–303
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2010 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Education
26 Section 10–101, 10–211, 11–105(g) and (k), 11–201, 11–202.1(a), 11–203(d),
27 11–204(c), 11–205, 11–206(a), (b), and (d), 11–206.1(a), (b), (e)(1), (f)(5),
28 and (i)(3), 11–402, 11–701, 11–902(b)(4)(iii)3., 16–108(a), 17–101,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 17-105(b) and (d), 18-103, 18-708(a)(3), 18-2201(b), 18-2301(b),
 2 18-2502, 18-2503, 18-2504(c)(1), 21-501(a)(3), and 24-707(b)
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume and 2010 Supplement)

5 BY adding to
 6 Article – Education
 7 Section 11-402.1
 8 Annotated Code of Maryland
 9 (2008 Replacement Volume and 2010 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article – Commercial Law**

13 13-303.

14 A person may not engage in any unfair or deceptive trade practice, as defined in
 15 this subtitle or as further defined by the Division, in:

16 (1) The sale, lease, rental, loan, or bailment of any consumer goods,
 17 consumer realty, or consumer services;

18 (2) The offer for sale, lease, rental, loan, or bailment of consumer
 19 goods, consumer realty, or consumer services;

20 **(3) THE OFFER FOR SALE OF COURSE CREDIT OR OTHER**
 21 **EDUCATIONAL SERVICES;**

22 ~~[(3)]~~ **(4)** The extension of consumer credit; or

23 ~~[(4)]~~ **(5)** The collection of consumer debts.

24 **Article – Education**

25 10-101.

26 (a) In this division the following words have the meanings indicated.

27 (b) “Charter” means the Maryland Charter for Higher Education.

28 (c) “Commission” means the Maryland Higher Education Commission.

29 **(D) “FOR-PROFIT INSTITUTION OF HIGHER EDUCATION” MEANS AN**
 30 **INSTITUTION OF HIGHER EDUCATION THAT GENERALLY LIMITS ENROLLMENT**
 31 **TO GRADUATES OF SECONDARY SCHOOLS, AWARDS DEGREES AT THE**

1 ASSOCIATE, BACCALAUREATE, OR GRADUATE LEVEL, AND IS NOT A PUBLIC OR
2 PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION.

3 [(d)] (E) “Governing board” means:

4 (1) The Board of Regents of the University System of Maryland;

5 (2) The Board of Regents of Morgan State University;

6 (3) The Board of Trustees of St. Mary’s College of Maryland; and

7 (4) The Board of Trustees of Baltimore City Community College.

8 [(e)] (F) “Governing body” means:

9 (1) A governing board;

10 (2) A board of trustees of a community college;

11 (3) The governing entity of [nonpublic] PRIVATE NONPROFIT
12 institutions of higher education; [or]

13 (4) THE GOVERNING ENTITY OF A FOR–PROFIT INSTITUTION OF
14 HIGHER EDUCATION; OR

15 [(4)] (5) The governing entity of a regional higher education center.

16 (G) “INDEPENDENT INSTITUTION OF HIGHER EDUCATION” MEANS A
17 PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION THAT GENERALLY
18 LIMITS ENROLLMENT TO GRADUATES OF SECONDARY SCHOOLS, SERVES A
19 PUBLIC PURPOSE, AND AWARDS DEGREES AT THE ASSOCIATE, BACCALAUREATE,
20 OR GRADUATE LEVEL.

21 [(f)] (H) (1) “Institution of higher education” means an institution of
22 postsecondary education that generally limits enrollment to graduates of secondary
23 schools, and awards degrees at either the associate, baccalaureate, or graduate level.

24 (2) “INSTITUTION OF HIGHER EDUCATION” INCLUDES PUBLIC,
25 PRIVATE NONPROFIT, AND FOR–PROFIT INSTITUTIONS OF HIGHER EDUCATION.

26 [(g)] (I) (1) “Institution of postsecondary education” means a school or
27 other institution that offers an educational program in the State for individuals who
28 are at least 16 years old and who have graduated from or left elementary or secondary
29 school.

30 (2) “Institution of postsecondary education” does not include:

1 (i) Any adult education, evening high school, or high school
2 equivalence program conducted by a public school system of the State; or

3 (ii) Any apprenticeship or on-the-job training program subject
4 to approval by the Apprenticeship and Training Council.

5 **[(h)] (J)** “Private career school” means a privately owned and privately
6 operated institution of postsecondary education other than an institution of higher
7 education that furnishes or offers to furnish programs, whether or not requiring a
8 payment of tuition or fee, for the purpose of training, retraining, or upgrading
9 individuals for gainful employment as skilled or semiskilled workers or technicians in
10 recognized occupations or in new and emerging occupations.

11 **(K) (1) “PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION”**
12 **MEANS A PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION THAT**
13 **GENERALLY LIMITS ENROLLMENT TO GRADUATES OF SECONDARY SCHOOLS**
14 **AND AWARDS DEGREES AT THE ASSOCIATE, BACCALAUREATE, OR GRADUATE**
15 **LEVEL.**

16 **(2) “PRIVATE NONPROFIT INSTITUTION OF HIGHER EDUCATION”**
17 **INCLUDES AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION.**

18 **[(i)] (L)** “Program” or “educational program” means an organized course of
19 study that leads to the award of a certificate, diploma, or degree.

20 **[(j)] (M)** “Public senior higher education institution” means:

21 (1) The constituent institutions of the University System of Maryland;

22 (2) Morgan State University; and

23 (3) St. Mary’s College of Maryland.

24 **[(k)] (N)** “Regional higher education center” means a higher education
25 facility in the State that:

26 (1) Is operated by a public institution of higher education in the State
27 or a **[nonpublic] PRIVATE NONPROFIT** institution of higher education operating
28 under a charter granted by the General Assembly and includes participation by two or
29 more institutions of higher education in the State;

30 (2) Consists of an array of program offerings from institutions of
31 higher education approved to operate in the State by the Commission or by an act of
32 the General Assembly that specifically satisfies the criteria set forth in § 10–212(b) of
33 this title;

1 (3) Offers multiple degree levels; and

2 (4) Is either approved by the Commission to operate in the State or is
3 established by statute.

4 [(l)] (O) “Secretary” means the Secretary of Higher Education.

5 [(m)] (P) “State Plan for Higher Education” means the plan for
6 postsecondary education and research required to be developed by the Maryland
7 Higher Education Commission under § 11–105(b) of this article.

8 10–211.

9 (a) The [nonpublic] **PRIVATE NONPROFIT** institutions of higher education
10 in the State are an important educational resource and are vital to the provision of
11 postsecondary education in the State.

12 (b) The State shall continue to provide financial aid as provided by law to
13 [nonpublic] **PRIVATE NONPROFIT** institutions of higher education to foster this
14 important educational resource.

15 (c) (1) In this subsection, “cultural diversity” means the inclusion of those
16 racial and ethnic groups and individuals that are or have been underrepresented in
17 higher education.

18 (2) On or before May 1 of each year, each [nonpublic] **PRIVATE**
19 **NONPROFIT** institution of higher education eligible for State aid under § 17–103 of
20 this article shall submit a report on the institution’s programs to promote and enhance
21 cultural diversity on its campus to the Maryland Independent College and University
22 Association.

23 (3) (i) On or before August 1 of each year, the Maryland
24 Independent College and University Association shall submit a report on the status of
25 the programs reported to the Association under paragraph (2) of this subsection to the
26 Commission.

27 (ii) The report submitted to the Commission under
28 subparagraph (i) of this paragraph shall include an analysis of the best practices used
29 by [nonpublic] **PRIVATE NONPROFIT** institutions of higher education to promote and
30 enhance cultural diversity on their campuses.

31 11–105.

32 (g) The Commission shall:

1 (1) Administer State funds for [nonpublic] **PRIVATE NONPROFIT**
 2 institutions of higher education in the State; and

3 (2) Assure that the purposes for which these funds were appropriated
 4 are achieved.

5 (k) Subject to the provisions in Subtitle 2 of this title, the Commission may:

6 (1) Review any educational program offered at [a public or nonpublic]
 7 **AN** institution of postsecondary education [in the State that receives State funds]; and

8 (2) Establish guidelines relating to matters of general educational
 9 policy.

10 11–201.

11 The Commission shall establish minimum requirements for issuing certificates,
 12 diplomas, and degrees by [public and nonpublic] institutions of postsecondary
 13 education.

14 11–202.1.

15 (a) A [nonpublic] **PRIVATE NONPROFIT** institution of higher education
 16 operating under a charter granted by the General Assembly may operate without a
 17 certificate of approval from the Commission.

18 11–203.

19 (d) (1) By rule and regulation, the Commission may create and provide for
 20 the operation of [a] guaranty [fund] **FUNDS** for [private]:

21 (I) **FOR–PROFIT INSTITUTIONS OF HIGHER EDUCATION;**
 22 **AND**

23 (II) **PRIVATE** career schools.

24 (2) (i) The [fund] **FUNDS** shall be used:

25 1. To reimburse any student at a **FOR–PROFIT**
 26 **INSTITUTION OF HIGHER EDUCATION OR** private career school who is entitled to a
 27 refund of tuition and fees because the institution has failed to perform faithfully any
 28 agreement or contract with the student or failed to comply with any provision of this
 29 article; or

30 2. For any other function directly related to the original
 31 purpose of the fund deemed appropriate by the Secretary.

1 (ii) The Commission shall be subrogated to and may enforce the
2 claim of any student to the extent of any actual or authorized reimbursement from the
3 [fund] FUNDS.

4 (3) (i) Each **FOR-PROFIT INSTITUTION OF HIGHER EDUCATION**
5 **OR** private career school that is required to obtain a certificate of approval shall pay
6 an annual fee into the fund.

7 (ii) The Commission shall determine the amount of the fee
8 based on the probable amount of money needed for the [fund] FUNDS for each fiscal
9 year. If the moneys in the guaranty [fund] FUNDS are insufficient to satisfy duly
10 authorized claims, the participating institutions may be reassessed and shall pay the
11 additional amounts required.

12 (iii) The Commission may not issue a certificate of approval to,
13 and shall revoke any certificate of approval previously issued to, an institution that
14 fails to pay any annual fee or reassessment.

15 (iv) The Commission shall deposit into the [fund] FUNDS any
16 penalty assessed against a **FOR-PROFIT INSTITUTION OF HIGHER EDUCATION OR**
17 private career school under the terms of § 11-204 of this subtitle.

18 (4) (i) The [fund] FUNDS shall be maintained by the State
19 Comptroller who may deposit the assets of the [fund] FUNDS in any manner that is
20 consistent with the purposes of the [fund] FUNDS.

21 (ii) All interest or other return on fund [investment]
22 INVESTMENTS shall be credited to the [fund] FUNDS.

23 (5) The Commission, through the Attorney General, may enforce any
24 claim to which the Commission has been subrogated under this subsection.

25 11-204.

26 (c) (1) If a hearing is not requested within the specified time period, or if
27 the notice of deficiencies is upheld in whole or in part after a hearing, the Commission
28 may reprimand the institution or suspend or revoke the institution's certificate of
29 approval or any other approval issued by the Commission or Secretary.

30 (2) (i) Instead of or in addition to reprimanding a **FOR-PROFIT**
31 **INSTITUTION OF HIGHER EDUCATION OR** private career school, or suspending or
32 revoking any approval issued to a **FOR-PROFIT INSTITUTION OF HIGHER**
33 **EDUCATION OR** private career school, the Commission may impose a penalty of up to
34 \$5,000 for each violation as specified in regulations adopted by the Commission.

1 (ii) In accordance with the provisions of this section, the
2 Commission shall deposit any penalty assessed against a **FOR-PROFIT INSTITUTION**
3 **OF HIGHER EDUCATION OR** private career school into the guaranty fund for
4 **FOR-PROFIT INSTITUTIONS OF HIGHER EDUCATION OR FOR** private career schools
5 if such [a fund exists] **FUNDS EXIST**. Otherwise, all penalties shall be deposited into
6 the [State General Fund] **GENERAL FUND OF THE STATE**.

7 11-205.

8 (a) The Commission may summarily order the revocation or suspension of a
9 certificate of approval of a **FOR-PROFIT INSTITUTION OF HIGHER EDUCATION OR**
10 private career school if:

11 (1) [The school's] **AN** owner or director **OF THE SCHOOL OR**
12 **INSTITUTION**, or any person in whose name the approval is issued, is convicted of a
13 crime of moral turpitude or a crime relating to the operation of the school if:

14 (i) The conviction is final; and

15 (ii) The period for appeal has expired;

16 (2) An agency that exercises concurrent authority over the [private
17 career] school **OR INSTITUTION** has revoked any approval to operate required by law;
18 or

19 (3) Without prior approval of the Commission, the certificate of
20 approval of a school **OR INSTITUTION** is sold, pledged, or transferred, or there is a
21 change of ownership of a school **OR INSTITUTION**.

22 (b) The Commission may summarily order a revocation or suspension of a
23 certificate of approval of a **FOR-PROFIT INSTITUTION OF HIGHER EDUCATION OR**
24 private career school under subsection (a) of this section only if it gives the school **OR**
25 **INSTITUTION**:

26 (1) Prior oral or written notice of the proposed revocation or
27 suspension and a brief, informal opportunity for response;

28 (2) Prior or prompt subsequent written notice of the revocation or
29 suspension and the findings on which the revocation or suspension is based; and

30 (3) After the revocation or suspension is effective, an opportunity to be
31 heard promptly before the Commission.

32 (c) (1) In any hearing held on the grounds for revocation under subsection
33 (a) of this section, the Commission may limit the issues to be determined to whether:

- 1 (i) The alleged conviction in fact occurred;
- 2 (ii) The alleged revocation under subsection (a)(2) of this section
3 in fact occurred; or
- 4 (iii) The alleged sale, pledge, or transfer, or change of ownership
5 of the [private career] school **OR INSTITUTION** in fact occurred.

6 (2) Notwithstanding paragraph (1) of this subsection, in any hearing
7 held on the grounds for revocation under subsection (a) of this section, a [private
8 career] school **OR INSTITUTION** may present matters in mitigation of the offense
9 alleged by the Commission.

10 11–206.

11 (a) This section does not apply to:

12 (1) New programs proposed to be implemented by public and
13 [nonpublic] **PRIVATE NONPROFIT** institutions of higher education using existing
14 program resources in accordance with § 11–206.1 of this subtitle; and

15 (2) Programs offered by institutions of higher education that operate
16 in the State without a certificate of approval in accordance with § 11–202(c)(2) or (3) of
17 this subtitle.

18 (b) (1) Prior to the proposed date of implementation, the governing body
19 of an institution of postsecondary education shall submit to the Commission each
20 proposal for:

21 (i) A new program; or

22 (ii) A substantial modification of an existing program.

23 (2) The Commission shall review each such proposal and:

24 (i) With respect to each public institution of postsecondary
25 education, either approve or disapprove the proposal;

26 (ii) With respect to each [nonpublic] **PRIVATE NONPROFIT**
27 institution of higher education, either recommend that the proposal be implemented or
28 that the proposal not be implemented; and

29 (iii) With respect to a **FOR–PROFIT INSTITUTION OF HIGHER**
30 **EDUCATION OR** private career school, either approve or disapprove the proposal.

31 (3) If the Commission fails to act within 60 days of the date of
32 submission of the completed proposal, the proposal shall be deemed approved.

1 (4) Except as provided in paragraph (3) of this subsection, a public
2 institution of postsecondary education, **FOR-PROFIT INSTITUTION OF HIGHER**
3 **EDUCATION**, and private career school may not implement a proposal without the
4 prior approval of the Commission.

5 (5) Except as provided in paragraph (3) of this subsection, and subject
6 to the provisions of § 17–105 of this article, a [nonpublic] **PRIVATE NONPROFIT**
7 institution of higher education may implement a proposal that has not received a
8 positive recommendation by the Commission.

9 (6) (i) If the Commission disapproves a proposal, the Commission
10 shall provide to the governing body that submits the proposal a written explanation of
11 the reasons for the disapproval.

12 (ii) After revising a proposal to address the Commission’s
13 reasons for disapproval, the governing body may submit the revised proposal to the
14 Commission for approval.

15 (d) The Commission shall review and make recommendations on programs in
16 [nonpublic] **PRIVATE NONPROFIT** institutions of higher education that receive State
17 funds.

18 11–206.1.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) “Public institution of higher education” means:

21 (i) A public senior higher education institution; and

22 (ii) A community college.

23 (3) [“Nonpublic] **“PRIVATE NONPROFIT** institution of higher
24 education” means a regionally accredited institution of higher education eligible for
25 aid under § 17–103 of this article.

26 (b) (1) A president of a public institution of higher education may propose
27 to establish a new program or abolish an existing program if the action:

28 (i) Is consistent with the institution’s adopted mission
29 statement under Subtitle 3 of this title; and

30 (ii) Can be implemented within the existing program resources
31 of the institution.

1 (2) A president of a [nonpublic] **PRIVATE NONPROFIT** institution of
2 higher education may propose to establish a new program if the action:

3 (i) Is consistent with the mission statement published in the
4 official catalog of the [nonpublic] **PRIVATE NONPROFIT** institution; and

5 (ii) Can be implemented within the existing resources of the
6 institution.

7 (3) The president of a public institution of higher education shall
8 report any programs that are proposed to be established or abolished in accordance
9 with paragraph (1) of this subsection to:

10 (i) The institution's governing board; and

11 (ii) The Maryland Higher Education Commission.

12 (4) The president of a [nonpublic] **PRIVATE NONPROFIT** institution of
13 higher education shall report any programs that are proposed to be established in
14 accordance with paragraph (2) of this subsection to the Commission.

15 (5) Upon receipt of a proposed new program, the Commission shall
16 notify all other institutions of higher education in the State.

17 (e) Within 30 days of receipt of a notice of an institution's intent to establish
18 a new program in accordance with subsection (b) of this section, the Commission may
19 file, or the institutions of higher education in the State may file with the Commission,
20 an objection to implementation of a proposed program provided the objection is based
21 on:

22 (1) Inconsistency of the proposed program with the institution's
23 approved mission for a public institution of higher education and the mission
24 statement published in the official catalog of a [nonpublic] **PRIVATE NONPROFIT**
25 institution of higher education;

26 (f) (5) If the objection cannot be resolved within 30 days of receipt of an
27 objection, the Commission shall make a final determination on approval of the new
28 program for a public institution of higher education or a final recommendation on
29 implementation for a [nonpublic] **PRIVATE NONPROFIT** institution of higher
30 education.

31 (i) The Commission shall:

32 (3) Make available a copy of the report under item (2) of this
33 subsection to the public institutions of higher education and the [nonpublic] **PRIVATE**
34 **NONPROFIT** institutions of higher education.

1 11-402.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) (i) "School" means a **FOR-PROFIT INSTITUTION OF HIGHER**
4 **EDUCATION OR** private career school located outside the State.

5 (ii) "School" does not include a **FOR-PROFIT INSTITUTION OF**
6 **HIGHER EDUCATION OR** private career school that operates in the State pursuant to
7 a certificate of approval issued under § 11-202(b) of this title.

8 (3) "Solicitor" means a person engaged in the business, for
9 compensation, of soliciting or offering to solicit students in this State to enroll in or
10 apply for a program offered by a school.

11 (b) A person may not act as a solicitor unless such person has a permit
12 issued under this section.

13 (c) (1) A person wishing to act as a solicitor shall apply to the Commission
14 for a permit.

15 (2) The application shall be made on the forms the Commission
16 provides, shall contain the information the Commission requires, and shall be
17 accompanied by:

18 (i) A copy of each type of contract offered by the solicitor to
19 prospective students; and

20 (ii) Any advertising materials and other representations that
21 are made by the school to its students or prospective students.

22 (d) Each permit issued under this section expires on June 30 after its
23 issuance and may be renewed annually on application and payment of the required
24 fee.

25 (e) (1) The Commission shall consider the application and accompanying
26 material.

27 (2) If the Commission approves the application, it shall issue a permit
28 to the solicitor, on payment of an initial fee of \$25. The renewal fee is \$25.

29 (f) After notice to the solicitor and an opportunity for a hearing, the
30 Commission may revoke the solicitor's permit for:

31 (1) Violation of a contract with a student; or

32 (2) Any other good cause.

1 11-402.1.

2 AN INSTITUTION OF HIGHER EDUCATION MAY NOT PAY A COMMISSION, A
3 BONUS, OR ANY OTHER INCENTIVE PAYMENT BASED ON SUCCESS IN SECURING
4 ENROLLMENTS OR THE AWARD OF FINANCIAL AID TO A PERSON OR ENTITY
5 ENGAGED IN STUDENT RECRUITMENT OR ADMISSION ACTIVITY.

6 11-701.

7 In cooperation with the State's public and [nonpublic] **PRIVATE NONPROFIT**
8 institutions of postsecondary education, the Council of Maryland's K-16 Partnership,
9 the Maryland State Department of Education, and the local school systems, the
10 Commission shall establish and administer a College Preparation Intervention
11 Program.

12 11-902.

13 (b) The Committee consists of:

14 (4) The following 14 members appointed by the Governor:

15 (iii) Three members, one representing each of the following
16 institutions of higher education:

17 3. A [private,] 4-year **PRIVATE NONPROFIT** institution
18 of higher education;

19 16-108.

20 (a) (1) A board of trustees may submit to the Commission a request for
21 proposals for the offering of a baccalaureate degree program not currently offered in
22 the region.

23 (2) The Commission shall distribute the request for proposals to public
24 senior higher education institutions and [nonpublic] **PRIVATE NONPROFIT**
25 institutions of higher education.

26 17-101.

27 There is a program of State aid to [nonpublic] **PRIVATE NONPROFIT**
28 institutions of higher education known as the Joseph A. Sellinger Program.

29 17-105.

30 (b) If a [nonpublic] **PRIVATE NONPROFIT** institution of higher education
31 has implemented a new or substantially modified program contrary to the

1 recommendation of the Maryland Higher Education Commission that was based on a
2 finding of unreasonable duplication, then the Maryland Higher Education Commission
3 may recommend that the General Assembly reduce the appropriation by the amount of
4 aid associated with the full-time equivalent enrollment in that program. This
5 provision does not preclude the [nonpublic] **PRIVATE NONPROFIT** institution from
6 going forward with implementation of the new or substantially modified program.

7 (d) (1) If the General Assembly reduces program funding under
8 subsection (b) of this section, the affected [nonpublic] **PRIVATE NONPROFIT**
9 institution annually may reapply to the Maryland Higher Education Commission for
10 reconsideration of the program recommendation.

11 (2) If the Commission determines that the unreasonable duplication
12 no longer exists, then the Commission may recommend that there be no reduction in
13 the institution's amount of aid.

14 18-103.

15 A scholarship, grant, loan, or other student financial assistance awarded by the
16 Office may be used at any public or private **NONPROFIT** institution of higher
17 education in this State that possesses a certificate of approval from the Commission.

18 18-708.

19 (a) (3) "Eligible institution" means a public or private **NONPROFIT**
20 institution of higher education in this State that possesses a certificate of approval
21 from the Commission.

22 18-2201.

23 (b) "Eligible institution" means a public or private **NONPROFIT** institution of
24 higher education in this State that possesses a certificate of approval from the
25 Maryland Higher Education Commission.

26 18-2301.

27 (b) "Eligible institution" means a public or private **NONPROFIT** institution of
28 higher education in this State that possesses a certificate of approval from the
29 Maryland Higher Education Commission.

30 18-2502.

31 A Community College Transfer Scholarship awarded under this subtitle may be
32 used only at a 4-year [private or] public **OR PRIVATE NONPROFIT** institution of
33 higher education in the State.

34 18-2503.

1 To qualify for a Community College Transfer Scholarship, an applicant shall:

2 (1) Be a resident of the State;

3 (2) Be a student at a community college in the State;

4 (3) Maintain a cumulative 3.0 grade point average on a 4.0 scale while
5 a student at a community college in the State;

6 (4) Have completed at least 60 credits at a community college in the
7 State or have earned an associate's degree by the end of the semester in which the
8 applicant plans to transfer;

9 (5) Be accepted for admission in a degree program at a 4-year [private
10 or] public **OR PRIVATE NONPROFIT** institution of higher education in the State;

11 (6) Intend to enroll in a 4-year [private or] public **OR PRIVATE**
12 **NONPROFIT** institution of higher education in the State in order to complete a
13 bachelor's degree program;

14 (7) Enroll as a full-time student in that 4-year institution;

15 (8) Have an annual total family income of not more than \$95,000; and

16 (9) Accept any other conditions or satisfy any additional criteria that
17 the Commission or the Office may establish.

18 18-2504.

19 (c) (1) Subject to paragraphs (2) and (3) of this subsection, to retain a
20 Community College Transfer Scholarship, the recipient shall:

21 (i) Remain a resident of the State;

22 (ii) Continue to be enrolled as an undergraduate student in a
23 degree program at a 4-year [private or] public **OR PRIVATE NONPROFIT** institution
24 of higher education in the State;

25 (iii) Maintain a 3.0 grade point average on a 4.0 scale each
26 academic year the individual is enrolled at a 4-year [private or] public **OR PRIVATE**
27 **NONPROFIT** institution of higher education in the State or provide evidence
28 satisfactory to the Office of extenuating circumstances; and

29 (iv) Maintain the standards of the eligible institution that the
30 individual attends.

1 21–501.

2 (a) (3) “Student” means an individual who:

3 (i) 1. Is at least 16 years old but younger than the age of 23
4 years; or

5 2. Reaches the age of 23 years while participating in an
6 approved paid work–based learning program under this section; and

7 (ii) Is enrolled in a public or private secondary **SCHOOL** or
8 **PUBLIC OR PRIVATE NONPROFIT** postsecondary [school] **INSTITUTION** in the State.

9 24–707.

10 (b) [Private] **FOR–PROFIT AND PRIVATE NONPROFIT** institutions of
11 higher education and private secondary schools may transfer student data and
12 workforce data to the Maryland Longitudinal Data System in accordance with the
13 data security and safeguarding plan developed under § 24–704(g)(6) of this subtitle.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2011.